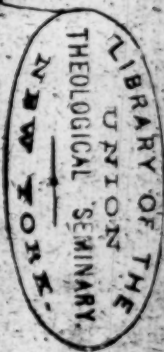


A TENTH
Collection of Papers

Relating to the
Present Juncture of Affairs in England.

Char^s 12. Bunt 1689

- I. Reflections upon our late and present Proceedings.
- II. Some short Notes on a Pamphlet, entitled, *Reflections upon our late and present Proceedings*.
- III. The Scots Grievances: or, A short Account of the Proceedings of the Scottish Privy-Council, Justiciary Court, and those commissioned by them, &c.
- IV. The late Honourable Convention proved a Legal Parliament.
- V. The Amicable Reconciliation of the Dissenters to the Church of *England*: being a Model or Draught for the Universal Accommodation in the Case of Religion, and bringing in all Parties to her Communion.



London printed, and are to be sold by Richard Janeway in
Queen's-head-Court in Fleet-Street, 1689.

Collection of Papers

Relating to the

Present Jurisprudence of Affairs in England.

OF THE

I. Reflections upon our late and present Proceedings.

II. Some short Notes on a Pamphlet, entitled, Reflections upon our late and present Proceedings.

III. The Scots Grievances: or, A short Account of the Proceedings of the Scottish Privy Council, Judiciary Court, and their Commissioners by them, &c.

IV. The late Honourable Convention proved a Legal Parliament.

V. The Antient Reconciliation of the Bishops to the Church of England: being a Model or Example for the Universal Accommodation of the Case of Religion, and Bishop in all Parties to her Communion.

Printed by R. B. at the Sign of the Sun in St. Pauls Church-yard, 1711.

Reflections upon our Late and Present Proceedings in England.

TH O no Man wishes better to the Protestant Religion in general, and the Church of *England* in particular, than I do; yet I cannot prevail with my self to approve all those Methods, or follow all those Measures, which some Men propose as the only Security both of the one and the other.

Never perhaps was there a more proper time wherein to secure our Religion (together with our Civil Liberties) than now offers it self, if we have but the Skill and Honesty rightly to improve this critical Opportunity; but if we shall either let it slip, or abuse it, we may in vain hereafter wish that we had been wise in time; and have cause to repent of our Error, when it will be too late to correct it.

What we do now will transmit its good or ill Effects to after-Ages, and our Children yet unborn, will in all probability, be happy or miserable, as we shall behave our selves in this great Conjunction. They are likely to enjoy their Religion, Laws and Liberties, according to the old English Standard, if we shall now take the right course to secure them.

But if we do ingage in wrong Counsels, and build upon false Foundations, instead of a Blessing we may leave a Curse to our Posterity, and entail upon them Popery, Slavery, Arbitrary Power, and all the miserable Consequences of a divided Kingdom, which (as sure as the Word of God is true) can never stand.

Let us not therefore be too hasty, but pause a while; let us make a stop, look about us, and consider, First, What we have done. Secondly, With what Intent we did it. Thirdly, What it is that some Men would be at. And, Fourthly, Whether we can in Honour and Conscience join with them in the Designs now in hand.

I shall confine my ~~self~~ these Heads : But here before I enter upon any of them, I shall take it for granted, that the Prince of *Orange* hath done a great thing for us, and (under God) hath wrought such a Deliverance for the Nation, as ought never to be forgotten, and can never be sufficiently requited. He must be mentioned with Honour and Gratitude, so long as the Protestant Name shall be remembred : He came not as the ancient Romans and Saxons, to conquer, and lead in Triumph after him our Religion and Laws, our Lives and Liberties ; but to defend, preserve and secure us in them all. To this end he undertook this dangerous and chargeable Expedition, which hath hitherto proved as much to our Advantage, as it will be to his lasting Reputation : What he has done argues, that he is moved by an higher Principle than any this World affords, and can overlook his own Ease and Security, when the Publick Good, and the Concerns of Christianity require his seasonable Assistance. I could easily make a Panegyrick upon his Vertues, and equal him to the most famous Grecian or Roman Captains ; but I need not set forth his Praises, which do so loudly, and yet so silently speak for themselves. I need not draw any tedious Parallels betwixt his Highness and the Worthies of other Ages, since I am, I question not, herein prevented by all who have read the History of former Times, and are Witnesses of what he (with so much Courage, Mildness and Prudence) hath done in this.

1. Things prospered so well under his Conduct, that all of us were ready to submit our selves to his Direction, and come under his Protection, as the Tutelar Genius of the Nation. The Effects of his Enterprize have been so strange, so wonderful and surprizing, that had we not seen, we should scarce have believed them.

As soon as the Prince was landed, with what Joy and universal good Wishes was the News received ? How forward were all sorts of People to declare for his Highness ? How willing were they to lend him an helping Hand for the accomplishing his great Work ? How did we all generally concur and unanimously agree to forget our Obligations to our Sovereign, and assist the Prince rather than the King against our selves, and his own true Interest ?

Nay,

May, the Army it self soon began to go over, chusing rather to lie under the imputation of Cowardise and Disloyalty (which yet a true English-man had rather die than really deserve) than to be instrumental in enslaving their Native Country, and bringing it again under the *Papal Yoke*.

In short, all Orders of Men, Ecclesiastick, Civil, and Military, had their Eyes fix'd upon the Prince of *Orange*, as their Common Deliverer, were resolved to espouse his Cause; and accordingly (after the King was withdrawn) did put the *Regal Administration* into his Hands.

2. So far we have gone; this we have done; and we hope that (the case being extraordinary, and Necessity giving a Dispensation) the Intent of our proceeding, will at least excuse, if not justify us, if we have not kept our selves within the *Common Laws of Action*.

For let every Man lay his Hand upon his Heart, and seriously ask himself, for what Reason, and with what Intent he became a Party in this general Defection? Was it utterly to ruin the King and subvert the Government? Was it because he was displeas'd with the ancient Constitution, and had a mind to mould and fashion it to his liking? Was it because he had an Intent to shake off the Government (that easy, equal, and well-poised, and never-enough to be commended Government, as King CHARLES I. calls it) of the *English Nation*? Was it any honest Mans meaning to subvert this Government, to make way for his own Dreams of some *Poetical Golden-Age*, or a *Fanciful Millenium*?

Was it (let me ask again) to divest the King of all Power to protect his Subjects, and then to pronounce roundly, that all the Bonds of Allegiance to him are dissolved? Was the end of our uniting together, to bind his Hands, and then prick this Doctrine upon the points of our Swords: *Protection and Allegiance are Duties so reciprocal, that where the one fails wholly, the other falls with it?*

Was it to frighten the King out of his Dominions, and then to vote that he hath *Abdicated* his Government? Was this the Intent, and were these the Reasons of our Declaring for the Prince of *Orange*? No, certainly, whatever some obnoxious and ambitious Men might aim at, all good Christians and worthy Patriots had other Intentions, and were led on by other Motives.

They were sensibly concerned for the Preservation of their Ho-

ly Religion, in the first place; their Lives, their Laws, and Liberties in the next. *After the way, which some call Heresy, so were they desirous still to worship the God of their Fathers: And after that manner which some might say was Rebellion, so they thought themselves oblig'd to stand up for the Laws and Liberties of their Forefathers.*

For these Ends, and for bringing about these worthy Purposes, they withdrew themselves from the Kings personal Service, that they might be the better enabled to serve his real Interest. They hoped by this means to deliver him from his evil Counsellors, and secure both him and his Subjects from the evil and pernicious Practices of some wicked and unreasonable Men.

3. These and such like were the Inducements which prevailed with all well-affected and honest Men, to withdraw from his Majesty, and suspend the actual Exercise of their Allegiance for the present, that they might afterwards exert it according to the fix'd and stated Rules of Law, Conscience, and right Reason.

But now, how contrary is this to those new Models, which some politick Architects are proposing to, or rather imposing upon the Nation? What is it they would be at? And what are the Ends they are driving on? Are they just and good? Are they generous and honorable? Or are they not rather such as would undermine the Government both in Church and State, and reduce us to a state of Nature, wherein the People are at Liberty to agree upon any Government, or none at all?

Plainly, they would reduce us to the *Dutch*, or some other foreign Measures (which how well soever they may agree with that Country, where they are settled and confirmed, partly by Custom, and partly by the peculiar Necessity of their Affairs) can never be well received in *England*, till an Act be passed to abolish Monarchy, Episcopacy, and all the Fundamental Laws establish'd by *Magna Charta*, and all succeeding Parliaments ever since.

The Enquiry into the Measures of Submission to the Supreme Authority, is a Treatise calculated for the times; but surely it is not written according to the Principles and Practice of the Church of *England*, in the time of the renowned *Queen Elizabeth*: I am apt to think, that some regard was then had to the
Passa-

Passages which we find in the Scriptures (especially the Old Testament) relating to the *Measures of Submission*. But these Examples weigh nothing with our Author, because they are not for his purpose, *pag. 5, 6*. I am also apt to suspect that Queen *Elizabeth* would not have thanked any Politician for vending this as a certain and fundamental Principle, "That in all Disputes between Power and Liberty, Power must always be proved, but Liberty proves it self; the one being founded only upon a positive Law, and the other upon the Law of Nature, *pag. 4*. She, I persuade my self, on the contrary, would have challenged any such States-man to have prov'd his Liberty; as for her Power (she would have answered) it was ready to prove it self against all who should presume to question it. But what's the meaning of *Power being founded only on a positive Law, and Liberty upon the Law of Nature*? Is not a Father's Power founded (as he grants) upon the Law of Nature? and is not all Power, even of the greatest Princes, (as far as it is just and honest, and for the Benefit of the Subject) derived from this Paternal Authority of the Father over his Son? Besides, doth not the Law of Nature prescribe the Necessity of putting Power into the Hands of one or more for the Benefit of the whole, which otherwise would be in danger of destroying it self by intestine Divisions? In short, If Liberty be founded upon the Law of Nature, so is all just and lawful Power, since the end of it is only to regulate our Liberty, and in truth to make us more free. Liberty in general is a right to use our Faculties according to right Reason; and the Law in particular tells us which are those Rules of right Reason by which we must govern our selves. And what is Law, but the Commands of the Supreme Power (where-ever it is lodg'd, in the hands of the Prince, the Senate, or the People, or of all of them together) ordering what we are to do or avoid, under the Sanction of particular Penalties?

I beg the Learned Author's Pardon for questioning his Measures: in my Judgment they are not taken from the *English Standard*, and therefore I hope I may without Offence use my Liberty in refusing them (a Right which proves it self) till he can prove his Power to impose them.

The Enquiry into the present State of Affairs, is a Discourse which seems (by its bold strokes) to resemble the former. I will

will say no more of it but this, If what he there lays down for a certain Truth be really so, then all that follows must be granted, as reasonable Deductions from this fundamental Principle: but if this be false, all that he hath said falls to the Ground, for want of a firm and solid Foundation to support it.

Now the Position, which (like a first Principle in Mathematics) he takes for granted, is this, "It is certain (says he, pag. 1.) that the reciprocal Duties in Civil Societies, are Protection and Allegiance; and wheresoever the one fails wholly, the other falls with it. This is his Doctrine which I have mentioned before, but shall now consider a little more particularly.

'Tis indeed most fit and reasonable, that *Protection* and *Allegiance* should always go together, and accompany one another; but that they do not do so, is but too plain in the present case of *England*: but doth it follow, that because the King is not in a Capacity to protect his Subjects, therefore he is no longer to be look'd upon as a King? And if he be a King, doth not this suppose that he hath some Subjects? And if so, I would gladly know what kind of Subjects they are, who owe no Allegiance?

But let this Question be rul'd by his own Instance, The Duty betwixt Father and Son. Suppose my Father to be so destitute that he cannot, and so perverse, that he will not protect and sustain me; suppose him as churlish as *Cain*, and as poor as *Job*; yet still he is my Father, and I am his Son; that is, he still retains all that Power which (by the Law of Nature) a Father ought to have over his Child: still the Relation holds betwixt us, and whilst it doth so, the Father's Faults or Necessities cannot evacuate the Duty of a Son; which is founded not in the Fathers good Will or Abilities to defend him (though it must be confess'd they are chiefly consider'd) but in that fix'd and immutable Relation which God and Nature have establish'd betwixt them, not to be dissolv'd but by Death. So that if this learned Author will yield (as he seems to do) that *Kingly Power* is nothing else but the *Paternal*, consign'd (by the common consent of the Fathers of Families) to one Person, upon such and such Conditions, (specified in the Contract;) I cannot see how this Relation betwixt King and Subject can any more

more be utterly dissolved, than that between a Father and his Son. *WILLIAM* I shall say no more to this Discourse, and if what I have already said do offend either against the Principles of Reason, or the Law of England, I am willing to be corrected, and acknowledge my Error.

There is another little Paper which yet gives such a great Stroke to the Government, that it ought not to be pass'd over without some Animadversion. The Sheet which I mean is, that which is call'd *Advice before it be too late*, or *A Breviate for the Convention*. This Paper bespeaks its Author to be of the same Complexion and Principles with him who writ *the Word to the Wise*, and the four *Questions debated*. They do all of them suppose, that the Government is fallen to its Centre, or Root from whence it sprang, that is, to the People (as the *Word to the Wise* expresses our present case.) I know not what can be a more effectual Answer to these Pamphlets, and take away the Foundation upon which they argue, than that Maxim in our Law, received by all honest and learned Lawyers, *The King of England never dies*. For if so, how is the Government laps'd? And if it be not laps'd, how can the Throne be said to be vacant? And if the Throne be not vacant, we are still a Body Politick, (consisting of Head and Members) though much distemper'd and out of order, by reason of the Infirmities of the Head. We still live, tho we are not in good Health; and our Case doth not require the Sexton to make our Grave, but calls for the Physician to apply proper Remedies to cure our Disease. If the King can dye, 'tis such a defect in our Government as doth strangely disparage it, and further supposes, that (which hitherto we are all to learn) the Crown is not Successive.

Now if it be successive, it cannot be disposed of by the Will of the People, but only by the Will of God, who in that very moment calls the lawful Heir to the Crown, wherein he is pleas'd to put a Period to the Life of his Predecessor. If he be said that the Voice of the People is the Voice of God, I believe that (should this be granted) it will not do their Business: for I doubt not, but that if the Pole was taken, and the Question put to all People who are of Years of Discretion; the Answer would be, That they have still a King, and that they are as willing to keep him, as they are desirous to exclude Popery for

for ever; that which hath made both him and them so unhappy. This, I do not much question, would be the Answer, if we should appeal to the sense of the People in general; who yet (if the Government be fallen to them) must be allowed to have a right of Suffrage, and a Liberty to speak their Minds as freely as other Commoners in this great Convention.

Further still, If the King never dies by our Law, how can he be lawfully depos'd? For by Deposition the Throne necessarily becomes void for some time. There must be some Interstice, some space of time, before they who depos'd a King can set up another; and till the King in Designation be actually invested with the Regal Office, there must of Necessity be an *Interregnum*; that is, The King (contrary to the Mind of our Law) may dye.

The Government of *England* always supposes a Monarch regulated by Law, and therefore 'tis presumed that he can do no wrong; that is, though he may err, as well as other Mortals, yet the Law, of which he is the Guardian, brings no Accusation against him, but only against his evil Ministers. If therefore the King hath err'd, (as doubtless he hath very much) in God's Name let his Ministers be called to an account; but why must the Government be dissolved, and the King arraign'd, condemn'd, and depos'd, to make way for any new Scheme of Government whatsoever, whether *French*, *Italian*, or *Dutch*?

Our History indeed affords two Examples since *William* the First's time; that of *Edward* the Second, and the other of *Richard* the Second: but they did both of them actually resign; and besides, what they did, or was done to them, ought to preclude the right of no succeeding Prince. These Examples ought no more to be urged than the stabbing King *Henry* the Fourth of *France*, or the murdering King *CHARLES* the First of *England*.

The Historian, in the Life of *Richard* the Second, gives no very good Character of that Parliament, which pass'd the Vote for this Deposition: "The Noblemen (says he) partly corrupted by Favour, partly aw'd by Fear, gave their Voices; and the Commons (commonly are like a Flock of Cranes) as the first fly, all the Followers do the like." *Continuat. Dan. Hist. p. 46.*

Let

Let it be here observed, that I do not dispute whether the King, together with his Parliament, may not regulate and entail the Succession, as shall by them be thought fit; but only whether whilst the King lives, whether the Throne can be vacant, and the Government be truly said to be laps'd? This we deny: But however, supposing that these things may be so, who can make so fair a Claim (and so generally satisfactory to the People) as the next Heir by Proximity of Blood; I mean (if the Prince of *Wales* be proved supposititious) that incomparable Lady, the Princess of *Orange*?

These Reflections I have thought fit to make upon some new Notions of our present States-men, by which we guess what they would be at. In my Opinion, I think it is but too evident, that they are taking Advantage of our present Fears and Distractions, to run us into those Extremes which the State (as well as the Church) of *England* hath always carefully avoided, and taken particular care to provide against.

4. In this Design can we in Honour and Conscience go along with them, whom yet we cannot but highly esteem and value for their Learning and Parts, and more especially for their happy and successful Labours, in rescuing us from those gross Corruptions of Christian Religion, and human Nature, Popery and Slavery?

But shall we run into *Popery*, and perhaps Slavery too, when we have been so long striving against both, and are now (Thanks be to God) in a great measure freed from the Danger of either? And is not the Deposing a Popish Doctrine? And is it not as Antichristian for any Assembly to put it into Practice, as it was for the Council of *Lateran* at first to establish it?

And as for *Slavery*, must not a standing Army be necessarily kept up, to maintain a Title founded only upon the consent of the fickle and uncertain People (granting that the major part of them are willing?) And in such a case must we not be beholden to the Goodness of the Prince, rather than the Protection of our Laws, if an Arbitrary and Despotick Power be not again introduced?

We have, as yet, no Law which wholly disables and excludes a Popish Successor from the Throne; and till we have one (which I question not but we shall have soon) I do not see how we can disanul the King's Title, or vacate his Regal Capacity,

howsoever his Power may be restrained, Innovations without former Precedent, are always dangerous, especially those of this Nature. It will be much more wise, as well as safe, to bear with some Inconveniencies, than bring upon our selves those Mischieffs, which such unparallel'd Proceedings may produce.

The Prince of *Orange* in his additional Declaration hath these Words: " We are confident, that no Persons can have such hard Thoughts of us, as to imagine that we have any other Design in this Undertaking, than to procure a Settlement of the Religion, and of the Liberties and Properties of the Subjects, upon so sure a Foundation, that there may be no danger of the Nations relapsing into the like Miseries at any time hereafter.

How far some Persons may extend this Clause [that there may be no Danger of the Nations relapsing into the like Miseries for the future] I cannot tell; but for any one to understand it so, as if his Highness meant, that there could be no Security against the Nations Relapse, if the King be not deposed, and himself put into Possession of the Throne, is (I am sure) an Interpretation very disadvantageous to his Honour, and looks more like a Jesuitical Equivocation, than that Candor and Christian Sincerity, which hath brightned and rendered illustrious all the Actions of his Highness, both at home and abroad.

The Answerer also to the Reflector upon his Highness's Declaration, will not permit us to harbour any such Suspensions, as if a Crown was the End of this Expedition. " All such (says he, pag. 23, 24.) as believe the Prince of *Orange* has brought this Army, and intends to make War upon *England*, and subdue it to his mere Will and Pleasure, trample all Laws both Divine and Human under feet; dethrone his present Majesty, and make himself King; they will stay and fight for him (sc. the King) or at least to the best of their Power, in some manner assist and help him: On the contrary, such as believe that the Prince's meaning is nothing of all this, &c.

Here, you see, that this Author (who 'tis to be supposed, was not unacquainted with the Prince's Intentions) utterly rejects it, as a false Imputation, that his Highness came to dethrone his

his present Majesty, and make himself King. Nay, he thought himself obliged so fully to declare against this scandalous Report, that he seems to have encouraged all those who believed it, *To stay and fight for the King; or at least, to the best of their power, in some manner assist and help him.* So far was this Gentleman from entertaining any such thoughts of the Prince's Expedition; which some Men, nevertheless, do now so industriously labor to make the effect of it.

There is another thing which makes well-meaning Men apt to suspect the present management, and with-holds them from closing with it so fully, as otherwise, its probable they might do. That Paper which goes under the Title of the *Prince's Third Declaration*, is (as I am credibly informed) none of his, and is disowned by the Prince himself. Now this pretended Declaration (coming out when the Army was in such a dubious Condition, and fluctuating betwixt the King and the Prince) did more harm to the King's Affairs, than all the other Papers (I believe) published at that time.

And if this was no real, but a sham-Declaration, and yet was permitted without Contradiction; 'tis plain that Sophistry and Tricks are made use of, as lawful Policies, and that any kind of means are permitted, if they will but do the business, and serve the present turn. This makes plain and honest Men, who have no Ends to serve, but what are just, and are willing to use no kind of Means but what are so: This makes them shie and cautious of engaging too far in those Designs, which they see carried on by crafty and deceitful Artifices working under a Military Power and Force ready to defend them.

I might mention the great number of Papists in the Dutch Army, as another dissuasive from venturing our selves in this bottom: We are afraid of Papists of all sorts and of all Countries, German and Dutch, as well as French and Irish; the Constitutions of the one may be more harmless than of the other; but the Principles of both (we know) are equally destructive; and when occasion serves, who knows but that the Principle may prevail over the Constitution, and the Papist get the better of the Dutch-man? 'Tis ill trusting Popery in any shape: This is a Root, which wherever it is planted, can bring forth no good Fruit. The Bogs of Holland cannot (we think) make it less malignant, than those of Ireland.

To come to a conclusion, there remain several things to be cleared, before we can altogether comply with what is now prosecuted with so much Zeal.

That the Prince of Wales is a supposititious Child: That a League was made by our King with the King of France for the Destruction of his Protestant Subjects, and rooting out our Religion, under the Notion of the Northern Heresy: That the late King was poisoned; and that the Earl of Essex was murdered. These things, we desire, may be proved; and then we cannot but agree, that nothing can be too bad for the guilty Authors.

These are such damnable Villanies, such horrid Crimes, that both the Principles and Accessories ought to be esteemed, and treated no better than *Tories* and *Banditti*, Men of feared and profligate Consciences, forsaken of God, and Enemies to Mankind.

But then seeing these are such heavy Accusations and grievous Charges, they ought certainly to be well proved before they be believed, and produced as Arguments against the Life, Honour, and Estate of any Person: for *si satis esset accusasse*, &c. If it be enough to accuse, where should we find an innocent Person?

If these dreadful things can be made out, it would, I believe, not only confirm Protestants in their deserved Detestation of Popery, but create even in the minds of honest Papists themselves, an Aversion to their own Religion, when they shall see it contriving and executing such cruel and unnatural *Works of darkness*.

To see a Father setting up a pretended Son against the Interest of his own undoubted Children; to behold a King bargaining for the Destruction of his own Subjects; to represent to our Minds one Brother preparing the deadly Cup for the other, who yet ventur'd his Crown rather than he would exclude him from the hopes of it in Reversion, to look upon the same Royal Person plotting and managing the Assassination of a Captive and helpless Peer. These are such dismal Sight and melancholick Scenes, so full of Horror and barbarous Cruelty, that they must needs make sad Impressions upon the Hearts even of the boldest Spectators; insomuch, that if they were proved, they would most effectually prejudice all Men against the Author of such monstrous Barbarities, and go near to extinguish

tinguish all Obligations of Duty which otherwise they might owe to his Person and Authority.

—We must therefore call again for the Proof of these things, or else we cannot (because we ought not to) believe them upon bare Surmise and Hear-say. If these Accusations be cleared once, who can reverence the Person guilty of them, as the Father of his Country, and not rather avoid and fly from him as the worst of Tyrants?

But if these things be still kept in the Clouds, and wrap'd up in uncertain Ambiguities, all wise Men will think that it would have been better, if they never had been mentioned; because this doth but raise the Peoples Zeal for the present, which (if not kept up by real Evidence) will be apt to turn to the other Extream, and commiserate the Cause which before it prosecuted with so much violence. The higher Mens Resentments are raised by objecting the most notorious Crimes, the lower will they fall, if Truth and plain matter of Fact doth not back and maintain them. And this is an Advantage which I would not have us give our Adversaries in these things, no more than we have done in the matters of Dispute betwixt them and us. Here we have proved, all our Charges against their Religion; let us therefore prove, or else not so eagerly insist upon these Accusations brought against their Persons.

I shall add nothing further, but my real Wishes, That I could (tho with the loss of all that's dear to me in this World) contribute to the utter *Exclusion of Popery* by all lawful means; and I do, and shall always pray for a Blessing upon their Designs, who sincerely endeavour to procure a *Settlement of the Religion, Liberties and Properties of the Subjects*, upon so sure a foundation, that there may be no danger of the Nations relapsing into the like miseries at any time hereafter.

Some short Notes on a Pamphlet, entitled, *Reflections upon our late and present Proceedings in England.*

A Man must read much of this Author's profound Work, before he can fathom the Depths of it, and find what his Design is, or whether indeed he has any Design at all, unless it be that of making a Book.

He tells us at length after much Struggling, and a tedious Repetition of what every body knows (perhaps) better than himself, " That all Orders of Men, Ecclesiastick, Civil, and
" Military, did put the Regal Administration into the Prince of
" *Orange's* Hands, and that the Intent of our Proceedings will
" at least excuse, if not justify us. I would have this knowing Gentleman inform the World into what Hands the Regal Administration could be better put? And if the Nation could not do better, whether this their Action does not justify it self? But says he a little above, " How did we all generally
" concur, and unanimously agree to forget our Obligations to
" our Sovereign. And in Page 4, he tells us, " That the
" Prince of *Orange* hath done a great thing for us, and wrought
" such Deliverance for the Nation as ought never to be forgotten, and can never be sufficiently requited. I do not at all doubt but this Gentleman can more easily write half a dozen such Books as this is, than reconcile these notable Passages. He acknowledges we have been rescued out of the Hands of him that hated us, and would have destroyed us without a cause, and yet reproaches us with *forgetting our Obligations to our Sovereign.*

In Page 5. he has this sharp Question, " Let every Man ask
" himself, for what reason he became a party in this general
" Defection? Was it to divest the King of all Power to protect
" his

“ his Subjects? &c. To repeat these Absurdities is a sufficient Answer to them.

And then again in the next Page, “ That whatever some obnoxious and ambitious Men might aim at, all good Christians had other Intentions. They were sensibly concerned for the Preservation of their Holy Religion, in the first place: Their Lives, their Laws, their Liberties, in the next: And after the way which some call Heresy, so were they desirous still to worship the God of their Fathers; and after that manner which some might say was Rebellion, so they thought themselves oblig’d to stand up for the Laws and Liberties of their Forefathers. What measures of Obedience this Man is for, and what he would have us to do, or not to do, I am not able to divine from his Book, for he seems to dislike in one place, what he approves in another. But he tells us in Page 6, & 7 of his Fears of the Government being undermined both in Church and State, and that he shall be reduced to the Dutch or some other foreign measures, which can never be well received in *England*, till an Act be pass’d to abolish Monarchy, Episcopacy &c.

If this Gentleman’s Distractions be not so great as to hinder him the use of his two chief Senses, he may now perceive that his Fears are as vain, as others perceive his Reasoning to be.

But in Page 8. he states a notable Question, for he supposes *his Father to be as thurish as Cain, and as poor as Job*, and yet maintains he is his Father.

O admirably put! But what’s this to a King’s apparent Design of ruining and enslaving a People, who have the same both Natural and Civil Right to their Lives and Liberties, as he has to his?

“ But shall we run (says he) into Popery, and perhaps Slavery too? and is not the Deposing a Popish Doctrine? p. 11: “ and as for Slavery, Must not a standing Army be necessarily kept up to maintain a Title founded only on the consent of “ the fickle and uncertain People?

If the Lords and Commons of *England* are this fickle and uncertain People; I know not where our Author will find more substantial Folks, unless he fancies they are to be met with amongst the *Mobile*. And as to the Popish Deposing Doctrine, I have already shewed our case comes in no sort near it; for

the

the late King's Religion did not hinder his possessing himself of the Throne; neither was that the Cause of his leaving it, for he might have enjoyed it and made the best of it, as to himself, in all Freedom, but he thought it beneath him to stop here, and not impose his false Worship on all his Subjects, trampling all the Laws of the Kingdom under his Feet, and thereby claiming not only an absolute Empire over the Bodies, but the Minds of his Subjects.

Our Author likewise shews himself a notable Well-wisher to our Religion and Liberties, when he represents a standing Army (page 11.) in the present Exigency of Affairs, to be such a Grievance, and that too under a Prince, who has not been only born and educated in the greatest Aversion to Popery, and the only Prince uncorrupted by the French King, but whose Genius and Interests do every ways so answer the Necessity of our Nation, that we have no other cause of Fear or Trouble, but at the sense of our own Unworthiness of so great a Blessing.

He seems in p. 12, and 13, to be in great Labour, lest the Prince of *Orange* should make himself a King contrary to the express Terms of his Declaration, and Pretences of coming over here. To which may be answered, that he has in no sort violated that Declaration, for he did not thrust himself into the Throne; and as to his being so now, both *de jure* and *de facto*, this being a matter decided by the Justice, Wisdom and Supreme Authority of the Nation, it's foolish Presumption, and no less conceited Ignorance for any private Person to argue it.

Our wise Author seems to be moreover concerned and greatly troubled at the Effects produced by the third Declaration, for he says, "It did more harm to the King's Affairs, than all the other Papers publish'd at that time; whence he concludes its plain that Sophistry and Tricks are made use of, if they will but do the Business. What would this Man have? would he have both to succeed, when he elsewhere acknowledges, that the late King's Design was to ruin us, and the Prince's to prevent it? As to Tricks and Sophistry, I detest them as much as any Man, yet think such harmless Guides (whoever was the Author) less pernicious and destructive than force and bloodshed.

This

This Gentleman who sily pleads all along for the Popish Interest, is now forsooth much scandaliz'd at the *Dutch-Papists* in the Princes Army; but at this he need not take Offence, seeing they are going over whence they came, to serve the States against the most unchristian Usurper of both Popish and Protestant Countrys.

But before this worthy Author can come to a Conclusion of his Book, he must have several things proved to him: to wit, "That the Prince of *Wales* is a supposititious Child; that a "League was made by our King with the King of *France*, for the "Destruction of his Protestant Subjects, and rooting out our Religion under the Notion of the Northern Heresy; that the late "King was poyson'd; and that the Earl of *Essex* was murdered. These things we desire may be proved, and then "we cannot but agree, that nothing can be too bad for the "guilty Authors. This Gentleman cannot but know the Unreasonableness of his Demands, and that what he desires, is not only unseasonable, but impracticable, till the Government be settled, when, and at what time, (perhaps to his great Confusion) these and many other Deeds of Darkness will be brought to light. Moreover the Astonishment he expresses at the mention of these vile Practices, seems to arise in him, rather from some crafty Design, than mere Ignorance of what has been done (oftner than once) in Neighbouring Courts. To conclude then in my Authors own Words; "If "these Accusations be cleared once, who can reverence the "Person guilty of them, as the Father of his Country, and "not rather avoid and fly him as the worst of Tyrants.

The Scot's Grievances :

Or a Short Account of the Proceedings of the Scottish Privy-Council, Justiciary Court, and those Commissionated by them, whereby the Consciences of good Men have been Tortured, the Peace of the Nation these several Years past exceedingly Disturbed, and Multitudes of Innocent People cruelly Oppressed, and inhumanely Murdered.

IN the Tract of these Years, although Informing was a Trade more encouraged than in the Reign of *Tiberius*, yet they arraigned Multitudes without Informer or Accuser ; and whosoever appeared not upon their Summer Citation (which often-times was impossible) were treated as Criminals.

They seized many of all Ranks, and detained them Months, and Years, without any Signification of the cause of their Imprisonment ; and seldom liberate any such without Exorbitant Bail : but if they could find the least Shadow to prosecute any suspected to dislike their Arbitrary Courses, they precipitated their Process, not allowing them time or means to vindicate their Innocency.

They sent their Inquisitors through their Prisons and Citizens Houses, to examine whom they pleased, upon most intricate Questions of Church and State-Government, and made their refusing to answer, or dissatisfactory Answers, the Foundation of their Indictments ; others seized in the Crowd at Executions, and some when visiting the imprisoned, were condemned and executed, for refusing to justify their Severities
against

against their Brethren, and disowning their *Dagon* of Non-resistance.

They frequently sent out Spies to Prisons, Cities and Country, under Disguise, who by simulating their Dissatisfaction at the Exorbitances of the Government, and Zeal for persecuted Piety, might draw Words from the most wary, sustaining such and other Informers as habil Witnesses to the taking away the Lives of many Innocents, notwithstanding of one Express Act of Parliament to the contrary.

They often prosecuted without a Libel: and when they formed Libels, they seldom restricted themselves to the Points therein contained, holding them, as confessed who refused to answer their captious and extraneous Questions.

They not only employed Emisaries, but Judges themselves were active to suborn Witnesses against the Lives, Estates and Honours of Peers and worthy Patriots (a palpably gross Management of such an Intrigue, having qualified a Person for a chief Seat in their High Court of Justice) and when they could not find such Execrable Ruffians to serve their turns, they forced Pinnals to answer *de super Inquirendis*, in the most Criminal Cases. They have often sustained Jurors and Witnesses, who could not purge themselves of Prejudice or partial Counsel.

They have Indicted, Tried, Condemned and executed Persons in one day; and when Intercession hath been made for some time to prepare for Death, it hath been answered, They shall have no time to prepare for Heaven, Hell is too good for them. They have kept some in Expectation of Reprieves and Pardons, till the very Day and Hour of their Execution; others they have hanged early in the Morning, thereby preventing the Peoples seeing their Cruelty, and hearing the dying Persons last Words, and too palpably designing by such Surprizals the Ruine of their Souls. They frequently beat Drums about the Scaffolds, their Cause being such as could not bear the Words of dying Christians. They searched several, when removing them from the Prison to the Scaffold, seized their Testimonies, that so they might not come to publick.

They would have their Laws to reach Thoughts as well as Actions, and many against whom they could charge no matter of Fact, they sought to reach their Lives for their Thoughts, asking them, What think you of the Government, &c? Some

they have wheedled to Confession, by promising to favour their Ingenuity, upbraiding them for Dissemblers if they would not speak freely, and by mock-Expostulations; viz. Are ye ashamed of your Principles? Are ye afraid to give a Testimony, &c. & forced them to subscribe their Confessions before the Council, which they produced as Witness against them at the Criminal Court, whereupon they were Sentenced and Executed.

When any refused to give Categorical Answers, then could they extort all by Torture, with their Engines of Cruelty, the Boots, fired Matches betwixt the Fingers and Thumkins; and after torturing, hanged several, though thereby they could extort nothing.

When some had answered all their Questions, and cleared themselves of all charged against them, yet would they not pass them so, but impose some of their wicked Oaths, which they concluded they would not take, and according to the measure of Tendernefs they discovered in any, they apportioned the Oaths; to the stricter the more smooth; to the laxer the more harsh, such as once their own Natural Consciences did fear at.

They required not only to have their Laws obeyed, but subscribed also, holding it not sufficient that People transgress them not, but likewise own the Justice of them, and the Lawfulness of the Authority enacting them, and swear to maintain them; and yet when some have complied to all they sought, yet would they not discharge them, but upon Bond to answer again when called.

Not only Extrajudicial Confession will sustain with them, but when they have given the publick Faith, the King's Security, the Act and Oath of Council, that such Confession should not militate, yet they have brought it in as Evidence, and given it upon Oath, when their former Act and Oath was produced in open Court in Demonstration of their Perjury.

They used frequently to pack Juries, picking out such as they thought any thing tender, and not bloody enough, and sometimes listed some who they concluded would not concur, that thereupon they might get occasion to exact their Fines.

Sometimes when the Jury hath brought in their Verdict in Favour of the Pannal, they have made them return and resume the Cognition of the Process again, and threatened them with

an Affize of Error if they did not bring him in Guilty, yea frequently the Advocate threatned them under most peremptory Certifications if they found not the Impannalled Guilty; so that their using Juries was but for the Fashion.

They have sentenced innocent Persons twice, once to have their Ears cut off and banished, and after the lopping of their Ears, they have re-examined them, and sentenced them to Death.

They used to stage several together, of whom they knew some would comply, to rantalize others with the sight of their Liberty, thereby tempting them to bite more eagerly at their snaring Baits, to wound the Conscience.

They have not only Murdered many innocent Christians in taking their Lives, but also endeavoured to Murder their Reputation and the Cause they owned; loading it with most reproachful Epithets, which was their peculiar Policy, to bring the Heads of Suffering to Points most obnoxious to common Sense, and most Extrinsic to Religion, cutting off the Faithful Professors of Religion, and true Lovers of Liberty, under the *odium* of Enemies to Government.

Some they arraigned whom they could neither reach by adducing many Witnesses against in Tryal, nor by their Examination with their cruel Torture of the Boots, yet hath had their whole Estate seized, and also been sent to Prison in a Rock within the Sea, without being convicted of any Crime.

They finding their means and motions under Colour of Law; and Trials were too slow and troublesome to acquire their designed Cruelties and that the publick Executions tended more to confirm and multiply the Lovers of Religion and Liberty, than to diminish and deter, took a more compendious way of sending out their Souldiers impowered to challenge and examine whom they pleased; and to tender Oaths required by no Law, and to punish such by present Death who refused to swear, or scrupled to answer their ensnaring Question; which bloody Commissions were so faithfully Executed, that within few Weeks above fifty innocent Persons were cruelly murdered in cold Blood; without either Tryal or Conviction, or respect to Age or Sex.

Although the Multitudes of Families ruined by Exorbitant Fines; Forfeitures, Banishments, Imprisonments, Free quarterings and Plunderings of Souldiers, and Barbarities of their
Highland

Highland Host : the many cruel Edicts and Proclamations they have published, the unlawful Bonds, and wicked self-contradicting Oaths imposed and pressed, the many Exactions whereby they have impoverished the Country, the many open Oppressions, horrid Tortures and Cruelties practised upon Innocents, the multitudes of Persons Male and Female, whom they have Murdered, Persecuted, Oppressed and Destroyed, are so many and various that they cannot be collected : Yet some have been at no small pains to gather as much of these, as when published in a Martyrology of these times, (which is purposed to be done with all convenient speed) will give the World to know as well the Faithfulness, Patience, Courage and Constancy of these who suffered, together with the Equity of their Cause, as the Inhumanity, Illegality and Severity of their Cruel and Bloody Persecutors.

*The Late Honourable CONVENTION
proved a Legal PARLIAMENT.*

I. **T**HE necessity of a Parliament agreed by the Lords and Commons Voting that the Throne is Vacant ; for there being a Vacancy, there follows an immediate necessity of settling the Government, especially the Writs being destroyed, and the Great Seal carried away, put a period to all publick Justice, and then there must be a supply by such means as the necessity requires, or a failure of Government.

II. Consider the Antecedents to the calling the Convention ; that is, about three hundred of the Commons, which is a majority of the fullest House that can be made, above sixty Lords, being a greater number, than any part divided amounted to at this great Meeting, the Lord Mayor, Aldermen, and Common Council of the City of *London*, by application to His then Highness the Prince of *Orange*, desired him to accept of the Administration of Publick Affairs, Military and Civil, which
be

he was pleased to do, to the great satisfaction of all good People; and after that His Highness was desired to issue forth His Circular Letters to the Lords; and the like to the Coroners, and in their absence to the Clerks of the Peace, to Elect Knights, Citizens and Burgeses; this was more than was done in Fifty nine, for the calling a Parliament in April 1660. for there the Summons was not real, but fictitious, (*i. e.*) in the names of the Keepers of the Liberties of *England*, a meer Notion set up as a Form, there being no such Persons, but a meer *Ens rationis*, impossible really to exist: so that here was much more done than in 1659, and all really done which was possible to be invented, as the Affairs then stood. Besides King *Ch.* the 2d. had not abdicated the Kingdom, but was willing to return, and was at *Breda*, whither they might have sent for Writs, and in the mean time have kept their form of Keepers of the Liberties, &c. But in the present case there was no King in being, nor any style or form of Government, neither real, or notional left; so that in all these respects, more was done before, and at the calling of this Great Convention, than for calling that Parliament (for so I must call it) yet that Parliament made several Acts, in all thirty seven, as appears by *Keables* Statutes, and several of them not confirmed; I shall instance but in one, but it is one which there was occasion to use in every County of *England*; I mean the Act for Confirming and Restoring Ministers, being the 17th of that Session; all the Judges allowed of this as an Act of Parliament, tho' never confirmed, which is a stronger case than that in question; for there was only fictitious Summons, here a real one.

III. That without the Consent of any Body of the People; this at the Request of a Majority of the Lords, more than half the number of the Commons duly chosen in King *Ch.* the 2d's time, besides the great Body of the City of *London* being at least esteem'd a 5th part of the Kingdom; yet after the King's Return, he was so well satisfied with the calling of that Parliament, that it was Enacted by the King, Lords and Commons Assembled in Parliament; that the Lords and Commons then Sitting at *Westminster* in the present Parliament, were the two Houses of Parliament, notwithstanding any want of the Kings Writs or Writ of Summons, or a y defect whatsoever, and

and as if the King had been present at the beginning of the Parliament; this I take to be a full Judgment in full Parliament of the case in question, and much stronger than the present case is, and this Parliament continued till the 25th of December next following, and made in all thirty seven Acts, as above mentioned.

The 13 *Caroli* 2. chap. 7. (a full Parliament called by the Kings Writ) recites the other of 12 *Caroli* 2. and that after his Majesties return they were continued till the 29th of December, and then dissolved, and that several Acts passed; this is the plain Judgment of another Parliament.

1. Because it says they were continued, which shews they had a real being capable of being continued; for a Confirmation of a void Grant has no effect, and Confirmation shews a Grant only voidable, so the continuance there shewed it at most but voidable; and when the King came, and confirm'd it, all was good.

2. The dissolving it then, shews they had a being, for, as *ex nihilo nihil fit*, so *super nihil nil operatur*, as out of nothing nothing can be made, so upon nothing nothing can operate.

Again, the King, Lords and Commons, make the great Corporation or Body of the Kingdom, and the Commons are legally taken for the Free-holders, *Inst. 4. p. 2*. Now the Lords and Commons having Proclaimed the King, the defect of this great Corporation is cured, and all the Essential parts of this great Body Politique united and made compleat, as plainly as when the Mayor of a Corporation dies, and another is chosen, the Corporation is again perfect; and to say, that which perfects the great Body Politique should in the same instant destroy it, I mean the Parliament, is to make contradictions true, *simul & semel*, the perfection, and destruction of this great Body at one instant, and by the same Act.

Then if necessity of Affairs was a forcible Argument in 1660, a time of great peace, not only in *England*, but throughout *Europe*, and almost in all the World; certainly 'tis of a greater force now, when *England* is scarce delivered from Popery and Slavery; when *Ireland* has a mighty Army of Papists, and that Kingdom in hazard of final destruction, if not speedily prevented; and when *France* has destroyed most of the Protestants there, and threatens the ruin of the *Low-Countries*, from whence God has sent the wonderful Assistance of our Gracious, and there-

therefore most Glorious King; and *England* cannot promise safety from that Foreign Power, when forty days delay, which is the least can be for a new Parliament, and considering we can never hope to have one more freely chosen, because first it was so free from Court-influence, or likelihood of all design, that the Letters of Summons issued by him, whom the great God in infinite Mercy raised to save us, to the hazard of his Life, and this done to protect the Protestant Religion and at a time when the people were all concerned for one Common interest of Religion, and Liberty, it would be vain when we have the best King and Queen the World affords, a full house of Lords, the most solemnly chosen Commons that ever were in the remembrance of any Man Living, to spend Mony and lose time (I had almost said to despise Providence) and take great pains to destroy our selves.

If any object Acts of Parliament mentioning Writs and Summons, &c.

I answer, the Precedent in 1660 is after all those Acts.

In private cases as much has been done in point of necessity; a Bishop Provincial dies, and *sede vacante* a Clerk is presented to a Benefice, the Presentation to the Dean and Chapter is good in this case of Necessity; and if in a Vacancy by the Death of a Bishop a Presentation shall be good to the Dean and Chapter, rather than a prejudice should happen by the Church lying void; Surely *a fortiori*—Vacancy of the Throne may be supplied without the formality of a Writ, and the great Convention turn'd to a Real Parliament.

A Summons in all points is of the same real force as a Writ, for a Summons and a Writ differ no more than in name, the thing is the same in all Substantial parts; the Writ is Recorded in Chancery, so are His Highnesses Letters; the proper Officer Endorses the Return, so he does here, (for the Coroner in defect of the Sheriff is the proper Officer;) the People Choose by virtue of the Writ, so they did freely by Virtue of the Letters, &c. & *quæ re concordant parum differunt*, they agree in Reality, and then what difference is there between the one and the other?

Object. A Writ must be in Actions at Common Law, else all Pleadings after, will not make it good, but Judgment given may be Reversed by a Writ of Error.

E

Answer,

Ans. The case differs, first, because Actions between party and party, are Adversary Actions; but Summons to Parliament are not so, but are Mediums only to have an Election.

2. In Actions at Law the Defendant may plead to the Writ, but there is no plea to a Writ for electing Members to serve in Parliament; and for this I have *Littleton's* Argument, there never was such Plea, therefore none lies.

Object. That they have not taken the Test.

Ans. They may take the Test yet; and then all which they do will be good, for the Test being the distinguishing Mark of a Protestant from a Papist, when that is taken, the end of the Law is performed.

Object. That the Oaths of Allegiance and Supremacy ought to be taken, and that the new ones are not legal.

Ans. The Convention being the Supreme Power, have abolished the old Oaths, and have made new ones; and as to the making new Oaths, the like was done in *Alfred's* time, when they chose him King; *vide* Mirror of Justice. *Chap. 1.* for the Heptarchy being turn'd to a Monarchy, the precedent Oaths of the seven Kings could not be the same King *Alfred* swore.

Many Precedents may be cited, where Laws have been made in Parliament, without the King's Writ to summon them, which for brevity's sake I forbear to mention.

For a farewell; the Objections quarrel at our Happiness, fight against our Safety, and aim at that which may indanger Destruction.

The

*The Amicable Reconciliation of the DISSENTERS
to the CHURCH of ENGLAND: being a Mo-
del or Draught for the Universal Accommoda-
tion in the Case of Religion, and the Bringing in
all Parties to Her Communion.*

Humbly presented to the Consideration of Parliament.

W Hereas there are several parties of Christians in the Nation, who must and will ever differ in their Opinions about the Church and Discipline of it, in the Question which is of Christ's Institution; it is not our Disputes about the Church as *Particular* (which are rather to be mutually forbore, and every party left herein to their own Persuasion) but a common Agreement in what we can agree, and that is in the Church as *National*, must heal our Breaches.

The Catholics are for one Universal Organical Church throughout the World, whereof the Pope is Head, according to some; and the Bishops Convened in a General Council, according to others.

That there is a Catholic Church Visible on earth, as well as invisible, whereof CHRIST is Head, who was on Earth, and is now Visible in Heaven, is past doubt also with Protestants: But that this Church is *Organical*, and under the Government of a *Monarchy* by the *Pope*, or of an *Aristocracy* by a *General Council*, it seems a thing not possible in nature; because neither can any *Oecumenical Council* ever be Called, or any *One Man* be sufficient to take on him the Concernments of the whole *World*.

A Political Church, is a Community of Christians brought into an Order of Superiority and Inferiority by an Head and Members, organized for the Exercise of that Government which is proper to it ; but the whole Earth is not capable of any such Order : And Councils therefore which are gather'd out of several Countries, or of Bishops belonging to more Dominions than of one Supreme Power, may be had for mutual Advice and Concord, but not for Government.

A Nation, Empire, or Kingdom, which consists of one Supreme Magistrate and People, who are generally Christians, are capable of such an Ecclesiastical Polity, and a National Church Political in *England* is to be asserted and maintained.

The Church of *England* then is a Political Society of all the Christians in the Land, united in the King as Head, and organized by the Bishops, for the executing those Laws or Government which he chooses for their spiritual Good and the publick Peace.

There is this difference between a Church *National*, the Church *Catholic*, and *Particular* Churches : The two latter are of *Divine Right* and *Essential Consideration*, but the former is and can be only of *Humane Institution*, for it is manifestly *Accidental* to the Church of Christ that the chief Magistrate and the whole People should be *Christian*.

Distinguish we here of the Government of the Church as *Internal* belonging to the *Spirit*, and *External* which belongs to *Men* : And of the *External* Regiment thereof, which is either *Formal* belonging to the *Ministers*, or Officers of Christ ; or *Objectivus*, belonging to the *Magistrate* : the one being only by the *Keyes*, the other by the *Sword*. Whether the Community now of Christians in *England* may be accounted a National Church in respect to any Formal Government of it, we leave for dispute to others ; let them judg according to the foregoing Definition of a Political Church : But that the main Body of the Nation are, or may be constituted a proper Political Church National in respect to that *External Objective Regiment*, which is, or should be exercised by the Bishops as the proper Organs thereof under the King, is what we hold reasonable, and would lay as the Foundation-Stone of Peace, in
the

the matter of Religion between all Persons in the Kingdom.

Let the Parliament therefore we have, be heartily for the Publick Good, and thriving of *England*, which must and can be only by an entire Liberty of Conscience in opposition to the narrow Spirit of any single Party or Faction, and when such a Parliament as this shall set themselves about the Business of Union to purpose, a Bill should be brought in, Entituled, *An Act for declaring the Constitution of our Church of England.*

A Parliament is the Representative of the whole Nation, and no doubt but by Consent and Agreement they might (upon the account mentioned) *Make* a new Constitution, and much more may they *Declare* the Constitution of it.

It should be declared then in such a Bill or Act that the Church of *England* consists of the King as the Head, or *pars Imperans*, who is to give Laws threeto, and all the several Assemblies of Christians which he shall tolerate, as the *pars Subdita*, or Body.

Some Discrimination between the *Tolerable* and *Intolerable* is indeed never to be gaind by any wise and good Man; unto whom there is no Liberty can be desirable, which is not consistent at least with these three things, the *Articles* of our Creed, a *Good Life*, and the *Fundamental Government* of the Kingdom.

It is not for any private persons, but a Parliament, to prescribe the Terms of National Communion: But we would have all our Assemblies that are Tolerable, to be made Legal by such an Act (and thereby parts of the National Church) as well as the Parochial Congregations.

The Church here therefore must come under a double consideration, as the Church of *Christ*, and as the Church of *England*. Take the Church as the Church of *Christ*, and there must be (as we have said at first) endless Controversy about this point, who are the true Members of it: but take it under the consideration as *National*, and there will be none at all, for those must be Members whom the Head by a Law does allow to be parts of the Body, and the King under this notion only is made Head of the Church by the Statute, that is, as it is called *Ecclesia Anglicana*.

The

The *Protestant Dissenters* of all sorts, as well as the *Conformists*, will acknowledge the King to be Supreme Coercive Governor over all Persons, and in all Causes, Ecclesiastical and Civil, throughout his Dominions; And will not those who are *Roman Catholics* do the like? Did they not do so in *Henry the Eighth's* time, when they were generally such? Again, the *Dissenters* of all sorts, even the *Congregationalists* of every Sect, are ready to submit to any power legally derived from the King, and upon such an account will admit of a Superintendency of the Bishops, as Ecclesiastical Magistrates under him, when they cannot own any Authority that they have over other Ministers from *Jesus Christ*; and will not *Papists* also be subject to all Authority that is exercised legally in his Name, howsoever they may question the Spiritual Title of the English Clergy, and their Succession?

We would have the Bishops then (*qua Bishops*, as distinct in Office from *Priests*) declared no other than the King's Officers, whose power is but *Objectively Ecclesiastical*, and to act *Circa Sacra* only, by Vertue of his Authority and Commission.

As *Jehoshaphat* did commit the Charge incumbent upon him as Supreme Magistrate, in regard to all *Matters of the Lord*, unto the care of *Amariah*, being *Chief Priest*, and in regard to the King's *Matters* unto *Zobadiah*, being as the *Chief Justice* of the Realm: so should the Diocesan Bishop be in our Ecclesiastical, as the Judges are in Civil Matters the Substitutes altogether of His Majesty, and execute his Jurisdiction.

This is indeed a State point which was thoroughly canvassed by *Henry the Eighth*, whose Divines did agree on two Orders alone, *Priest* and *Deacon*, to be of *Divine Appointment*, and that the Superiority of a Bishop over a *Presbyter*, or of one Bishop over another, was but by the *Positive Laws* of Men only, as appears in that Authentick Book then put out, entitled, *The Necessary Errand*: And consequently, that the Bishop could not have, or exert any Jurisdiction over the Subject unless warranted and derived from the King, without danger of a *Premunure*, which made *Bornier* (with others) hold his Bishoprick by Commission.

Upon this ground, if it should please His Majesty to choose some persons of the *Dignity* to this Office, authorizing them

to it no otherwise, than by a like Commission (which they should also hold, with the Judges, *quasi de iudiciis*) As none of them could scruple then the acceptance, so must a Union from that day forward commence in England; especially if he would not leave filling up the Vacancies that fall, with such, till they in some measure equal the *Confirmists*.

We are sensible unto what Distress the Ministers of a Particular Congregation of all sorts may be brought in the exercise of Discipline over some potent, turbulent, and refractory Members; and what relief he might find in such an external Ecclesiastical Officer as this: We are sensible how many inconveniences of Congregational Episcopacy may by this means only be saved.

Their work in general should be to supervise the Churches of all parties in their Diocesses, that they walk according to their own principles, in due Order, agreeable to the Gospel, and the peace of one another: And more particularly in the observance of all Laws and Limitations, Rules or Canons, which the King, as Supreme Head, shall by advice of a Convocation, or the consent of his three Estates in Parliament, make on purpose, and impose upon them, with respect both to the publick Emolument, and the safety of his own Person, Dignity, and Dominions.

For example, suppose this to be one Canon or Injunction, That no *Novice*, but such as are Grave Men only among the *Satz*, be admitted to be *Teachers*. Another, this, (That the doors be kept open in all *Churches*) for any that will to come in and hear, that no Sedition be there hatched or broached: There are such, and many the like Impositions may be found, very fit to be laid on some Persons, not needful for others, and it is Time, and the Trial, and Experience which must be the Mother to bring them forth, and cultivate them after, to their best advantage.

To the making such Canons, we humbly motion a third Clerk for the Convocation, to be added to the two in every *Diocess*, and those out of the *Dissenters* with indifferent respect to all sorts of them, that mutual Satisfaction and Concord may thereby be prosecuted with unanimity of Heart and Good-will throughout all the Churches: And the two Provinces of *Can-*

terbury

Exbury and York should *unite* in this Convocation for the making them one *National Church*, and not two *Provincial* ones in a diverse Assembly.

By this means shall one Organ more be added to this great Political Society for deriving an influence from the Head to these parts of the Body as well as others, which now seem neglected; and to have no care taken of them.

The more especial business of such an equally Modell'd Convocation should be the revising the Book of Canons for the revising the main body of them, having been sited to that narrow scantling which is unworthy the Church of *England*, and for the leaving only those, and making new (as we have exemplified in one or two for instance sake even now) which do, and will suit to that larger Constitution thereof intended by this Paper.

And having now said thus much for Explanation of this Design, we must say some little also in favour of it.

The Design of such an Accommodation as this, shall advance not less the outward power and honour of the *Bishop*, extending it over those who before had no conscientious regard for their Function: while yet it would ease them of the tremendous burden of such a *Consensus Animarum* they take on them otherwise as must be of impossible performance.

This Design (which is suppos'd to find us in our Divisions, and not to make any) shall by little and little (with God's blessing on it) cool Antimosities, and enkindle Charity and Holiness among all parties, which now is for much wanting, while those that are Catholics, and those that are Protestants; and much more those that are Conformists, and those that are Non-conformists, do agree in the substance of one Christianity, having the same Scriptures, the same Articles of Faith in the three Creeds, and the same Rule of Manners in the Decalogue. There is one Body, one Spirit, one Lord, one Faith, one Baptism. They cannot indeed have both Communion in the same External Worship, but they can have it in the Internal Adoration of the same blessed Trinity, and in One Hope of our calling unto eternal Life through *Christ Jesus*. They must separate into several Congregations, but there shall be no Schism in the Body by this means for all that.

For

For as while the Supreme Power allows only the Parochial Meetings, as established by Law, it hath bin accounted Schism to go to Separate Assemblies: So if the Statute be altered, and these Separate Congregations be also made *Legal*, this Schism or Mens being called *Schismatic* in that regard, must vanish and be at an end. Indeed the selfe divers Congregations will Accuse one another as guilty of Sin and Schism before God for each separating from the others Communion, and therefore his Judgment: but so long as there is no separating from the Church, whereof the King is Head, while he tolerates the Meetings of both, and makes them parts of it as National, there shall be no prosecution of Law *against any*, but all quiet, as fellow-Members upon that account.

Only, as to the *Roman Catholicks*, it is not indeed for them to imagine that a Protestant King and Parliament should allow of their *Mass* in Publick, as they do of the Service-Book. This were not to tolerate the *Papists*, but to set up *Papery*; whereas the Determining what is to be permitted to one Party, and what to another, so as no Detriment may be brought to the Church or State, and no Sin or Guilt upon the Nation by that permission, is a nice thing, and the business of this Parliament.

There is one Motion farther should be added, and that is for another Bill also to be brought in to take away *Pluralities*, (which is the Pest of our present Conforming Clergy) I mean both of *Livinges* and *Dignities* impartially, to this end, that the King may have wherewithal to engage those he receives in to the Church thus enlarged, and consequently restores to their Labour, by this Accommodation, for that is a thing will make the favour indeed significant to such persons.

I will conclude with one Argument for what I have proposed. There is no power given upon Earth for any Man to command that which he in his Conscience does judg to be Sin. *Non datur potestas ad malum*. But to conform in all things to the present Church according to Law, is Sin in the judgment of *Dissenters*, *Catholicks* and others; and the Late King was a *Dissenter* of one sort himself. The King therefore that was so lately, could not really put the *Catholicks* upon Conformity; and if he would appear equal to all his People, he could not put

by other *Difficulties* on it neither, for the same Cause. That which the Law requires was both in his Conscience and in theirs, a thing prohibited of God. He could not therefore put the Laws in Execution being against God. And if He could not do it acting only but as an honest Man that abides by his Principles: we have no reason to apprehend that so good a King and Queen as we have now, should be ever brought to do it, mangled all the Emicements of the Church of England, or Crowns of the Church of Rome.

FINIS

ADVERTISEMENT.

A Third Volume of Sermons Preached by the Late
Reverend and Learned *Thomas Manton, D.D.*
In Two Parts.

The First containing LXVI Sermons on the Eleventh Chapter of the *Hebrews*. With a Treatise of the Life of Faith.

The Second containing a Treatise of Self-Denial. With Several Sermons on the Sacrament of the Lord's Supper; And other Occasions. With an *Alphabetical Table* to the Whole.

Sold by *Thomas Parkhurst*, and *Josiah Robinson*.

